IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2015 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

VINUBHAI HARIBHAI SOLANKI

Appearance:

1. Special Civil Application No. 2015 of 2003

MR K P RAVAL AGP for Petitioner No. 1

MR GK RATHOD for Respondent No. 1

RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/07/2004

ORAL JUDGEMENT

1.0 Mr.G K Rathod learned advocate for respondent

no.1 seeks permission to withdraw recovery application being Recovery Application No.91 of 2000 arising out of Reference LCB No.243 of 1993 (Old Reference LCR No.561 of 1991) as it was filed under mis-conception of law but without any prejudice to the rights and contentions of the parties and to enable the workman to approach the Labour Court by way of appropriate application. Permission is granted to withdraw Recovery Application No.91 of 2000.

2.0 In view of the fact that the learned advocate for respondent no.1 has withdrawn the original Recovery Application No.91 of of 2000, the order of the Labour Court dated 03/09/02 is quashed and set aside. It will be open to the respondent workman to approach the Labour Court by way of appropriate application in original Reference LCB No.243 of 1993 (Old Reference LCR No.561 of 1991). The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no orders as to costs.

(K. S. Jhaveri, J.)

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